IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1825 of 1988

The B.P.T of Bombay .. Plaintiff

versus

M/s.Dayaram & Co. .. Defendant

...

Mr.U.J. Makhija i/b Mulla & MUlla for the plaintiff

Mr.R.J. Majra i/b Wadia Gandhy & Co.for defendant.

CORAM : D.G. KARNIK, J

DATED : 22nd June 2006.

P.C.:

1. Heard learned counsel for the parties.

2. Counsel for the plaintiff points out that the defendant has not filed written statement though summons was served several years ago. Counsel therefore prays for a decree under Order 8 Rule 10 of the Code of Civil Procedure. Suit is for recovery of money only. In the absence of written statement, averments made in the plaint are deemed to be admitted.

3. Suit of the plaintiff is decreed under Order 8 Rule 10 of the Code of Civil Procedure in terms of prayer clause (a).

(D.G. KARNIK, J)